

## **Town of Lincoln**

### **Zoning Board of Review Minutes**

**November 1, 2005 Meeting**

**Present: Kristen Rao, Gabriella Halmi, Arthur Russo, Jr., Nicholas Rampone, Jim King, Attorney Mark Krieger**

**Excused: Raymond Arsenault**

**Kristen Rao sitting as Chair in review of all applications. Member Rampone will sit with full privileges.**

#### **Minutes**

**Motion made by Member Rao to accept the September 6, 2005 Minutes as presented. Motion seconded by Member Halmi. Motion carried with a 5-0 vote.**

**Motion made by Member Rao to accept the October 4, 2005 Minutes as presented. Motion seconded by Member Halmi. Motion carried with a 5-0 vote.**

#### **Correspondence**

**Alan Costantino, 10 Dennell Drive, Lincoln, RI – Dimensional Variance for side yard setback for the construction of a 2-car garage.**

**AP 42, Lot 77**

**Zoned: RS 20**

**Member Rao read into the record letter from applicant asking that his application be withdrawn without prejudice. Motion made by Member Gobeille to accept withdrawal of the application without prejudice. Motion seconded by Member Halmi. Motion carried with a 5-0 vote.**

## **Applications**

**Miguel & Elizabeth Simao, 11 Riverside Drive, Lincoln, RI – Dimensional Variance for front yard setback for the construction of a second story addition and farmers porch.**

**AP 13, Lot 92 Zoned: RL 9**

**This application was continued from the October agenda to afford applicant time to prepare new plans. Applicant has made the following changes: turret and side porch have been removed from the plan, will keep front porch and style of house will be colonial. Applicant now needs 4.4 feet on northeast side, 6.8 side yard and 9.6 rear yard setbacks. Garage will remain the same. Existing house is 1,100 square feet – with addition 2,300 square feet. Al Ranaldi, Town Planner informed the Board the Technical Review Committee (TRC) did not have time to review the plans. No new foundation will be needed and applicant plans to start construction in the spring. Member Russo informed the Board he would like the TRC to review the plans as applicant is not going forward until spring and recommended continuing the application to the December agenda. Applicant is willing to let TRC review new plans and return.**

**Motion made by Member Halmi to continue the application to the December agenda. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.**

**Lincoln Point, LLC, 2547 West Main Road, Portsmouth, RI/Cloverleaf III, LLC, 640 George Washington Highway, Lincoln, RI – Special Use Permit for the construction of a Senior Residential Community and medical office building on property located on George Washington Highway, (Route 116), Lincoln, RI.**

**AP 31, Lots 38 & 40 Zoned: BL5**

**Lincoln Point, LLC, 2547 West Main Road, Portsmouth, RI/Cloverleaf III, LLC, 640 George Washington Highway, Lincoln, RI – Dimensional Variance for parking spaces and building height relief for a proposed Senior Residential Community and medical office building on property located on George Washington Highway (Route 116), Lincoln, RI.**

**AP 31, Lots 38 & 40 Zoned: BL 5**

**Attorney Krieger informed the Board that signature name on the application for Cloverleaf was Ralph Branca with whom he has a business association and recused himself from the application to avoid impropriety. Attorney Krieger has no financial interest in the project.**

**Represented by: Michael F. Horan, Esquire**

**Applicant wants to construct 155 units for aged 55+ which requires a Special Use Permit under Article 2, Section 2.12. Applicant is asking for Dimensional relief for parking spaces and building height. Under BL 05, height maximum is 50 feet and proposed use is 65 feet high. Application makes reference to a medical office building on lot 40 but that matter is not before the Board this evening – intended for future construction. Applicant will submit presentations relative to both applications for relief at once and voted on separately.**

**Witness:**

**Edward Hayes, Portsmouth, RI**

**He is an official relative to the applicant. Both he and Robert Levesque (Owner of RAL) have over 35 years experience in the construction field. They have developed the Freedom Bay retirement community in Portsmouth which has 328 units. They currently are one year into the project with 22 individual cottages under construction. They had a study performed by Northridge and found that this type of project is needed in the Lincoln community. Proposed project in Lincoln will have 155 units in two separate buildings. They have a Purchase and Sale Agreement pending with Cloverleaf subject to Planning and Zoning Board approval.**

**Sean Martin, PE**

**Has a BS in Civil Engineering, is licensed in Massachusetts and Rhode Island, and has ten years land development experience. He**

has been hired by applicant as Project Manager (Resume submitted as Exhibit A). The site has been excavated and they found an excessive amount of ledge and bedrock. There is swampland in the south portion of the property. Topography is rolling and steep and slopes north to south. Existing hotel and gas station share access off Route 116. Roadway has been constructed to gain access to the rear property under an old application. There will be 98 parking spaces at grade and 126 below grade – 8 spaces have been allocated for handicap parking. There will be an access road for emergency vehicles. Parking spaces will meet handicap requirements. There is an existing detention pond to the east and another pond is being proposed and an additional storm water pond. Looking at sub-surface drainage in the future. There will be no outdoor storage of waste materials – all trash will be stored indoors. In the future, there will be access through the Lincoln Mall property. Applicant has spoken with mall officials about access for the residents. Member Rao asked if the only access now is from the highway and witness replied “yes”. The driveway that is there now was designed for three projects – the hotel, gas station and office development. The roadway is 30 feet wide and an easement will be recorded.

Member Rao inquired about handicap parking. Witness replied if additional handicap parking spaces are needed they will be provided.

Member Halmi asked if a traffic light will be installed for access to Route 116. Witness replied that no traffic study was done for extra

lighting but they have met with the Department of Transportation. Member Halmi expressed concern about the additional traffic as that is a difficult site to exit onto Route 116 and would they consider installing a jug handle for turning. Witness replied they had not considered it. Member Russo asked about visitor parking. Witness replied they will be providing 1.5 spaces per tenant which should be sufficient. Demographics showed that proposed tenants would not have 2 cars. Member Russo asked if there will be elevators in the garages and witness replied "yes".

**David Miles, AIA, NCARB**

He has been hired by applicant as Senior Project Manager (Resume submitted as Exhibit B). Has 25+ years experience in the field. Submitted renderings of the site as Exhibits C and D. Masonry will be on the outside of the first two levels and the two buildings will be connected by an enclosed bridge. Proposed height of the buildings is 65 feet. One bedroom units will be 800 square feet and two bedroom units 1,000 square feet. 70% of the units will be 2 bedrooms. There will be two entrances from the parking lots. 78 spaces in the first lot and 48 in the second lot. Member Rao asked if they had a floor plan of the one and two bedroom units and witness replied they did not. All units will have a working kitchen. There will be a dining facility on the third floor for residents and guests and two elevators per building.

**Wilfred L. Gates, Jr., ASLA, Chairman of Gates, Leighton &**

**Associates, Inc.**

**He is a graduate from RISD and is licensed in Rhode Island, Massachusetts, Connecticut and Virginia. (Resume submitted as Exhibit E). He has been retained by applicant as a landscape designer to reflect the new residential facility. This is his second project with RAL. A buffer screening will be planted around the buildings. They plan on restoring the disturbed land on the site by planting trees. Member Rao asked about lighting. He replied all lighting will be on posts aimed downward. The driveways and pathways will also be lighted. Signage at the entrance has not been designed yet but they are planning internal directional signs which will meet signage requirements.**

**Derek Hudd, Transportation Engineer**

**Rhode Island Licensed Professional Engineer**

**A traffic study has not been done but they did do a traffic impact study using trip generations. For a 55+ community, a trip study showed 11 trips during am peak hours and 17 for pm peak hours. They used a 7th edition trip summary report to come up with the above figures. This impact study showed that 155 units equaled 78 spaces or .5 spaces per unit. Jordan Durham from RAL informed the Board that they spoke with the mall owner who is willing to give an easement and the mall owner is not concerned about traffic flow.**

**Jeffrey Robinson, Managing Partner with Continuum Care Management**

**They currently have 17 similar properties and he oversees all of them.**

**He is familiar with the proposal and how a retirement community operates. Average age of tenants is 82 years old and 60% of the units only have one car. Apartments will have full baths and kitchens. This is not an assisted living facility but an independent community. There will be sufficient parking for 35-40 full time employees in the campus who would work 9:00am to 5:00pm and also provide 24-hour coverage. Buildings will have nurses and aides and he is satisfied the demographics are accurate. They will have transportation and housekeeping services available for the tenants if they need it.**

**Of the other facilities he oversees, 6 are independent living, 6 are assisted living and 6 are nursing homes. The demand is greater for two bedroom apartments and can be obtained through coop buy-in within a \$100,000-\$200,000 range.**

### **David Miles**

**Floor area ratio is 170,245 square feet for building #1 and 79,800 square feet for building #2 totaling 250,045 which falls within zoning requirements.**

### **William E. Coyle, Jr., Certified General Appraiser**

**Resume submitted as Exhibit F. Has been a real estate appraiser since 1938. Motion by Member Rampone to accept Mr. Coyle as an expert appraiser. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.**



**Proposed project abuts Lincoln Mall and a gas station. This project will not have an adverse impact on the area, conforms to the Comprehensive Plan, parking is not a problem, will not alter the general character of the surrounding area nor will it have an adverse affect on the area. The site has an extremely higher grade in the rear and the height request will not impact nearby property.**

**Member Rao read into the record Planning Board recommendations for Special Use Permit:**

**Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. The Planning Board recommends Approval of this application. Based on a site visit, the Board feels that the general character of the area has evolved into a mixed-use area made up of light commercial and multi-unit housing developments. The Planning Board finds that the granting of a special use permit will not alter the general character of the surrounding area of impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**

**As outlined in the application, the proposed development is for a 195 unit senior residential community. The Technical Review Committee reviewed the public utilities in the area for their capacity to handle this increase in additional density. Based on a general review and knowledge of the systems in the area, the Technical Review Committee feels that these systems can adequately accommodate the**

**proposed density. If approved, this project would have to be reviewed as a major land development project by the Planning Board.**

**This review will focus on the capacity on the existing public utilities systems and their ability to accommodate the proposed density. The following are concerns that will be reviewed by the TRC and the Planning Board.**

**1. Drainage/Environmental – The proposed project must receive a permit from the RIDEM Wetlands program. The drainage discharging to George Washington Highway must be approved by RIDOT.**

**2. Traffic – The proposed project must receive a physical alteration permit from the RIDOT for the access to Old Louisquisset Pike and the land use alteration for the access to George Washington Highway.**

**3. Utilities – The proposed project must obtain approval from the Narragansett Bay Commission for sanitary sewer discharge. The developer is responsible for any modifications to the private pump station.**

**4. Public Water – The Lincoln Water Commission must approve the water service.**

**5. Fire Suppression – The Albion Fire Department must approve the development's water supply for fire suppression.**

**Member Rao read into the record Planning Board recommendations for Dimensional Variance:**

**Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. The Planning Board recommends Approval of this application. Based on a site**

visit, the Planning Board feels that the subject lot contains several limiting natural features that restrict the placement of buildings and utilities. The Board feels that the applicant presents a realistic site layout that meets the intent of the zoning and would not be detrimental to the surrounding commercial neighborhood. The Planning Board feels that the dimensional variance will not alter the general character of the surrounding area and will not impair the intent or purpose of the zoning ordinance, nor the Comprehensive Plan.

Motion made by Member Rampone to grant the Dimensional Variance reducing the number of parking spaces from 310 to 224 and height relief to 65 feet.

- Hardship from which the applicant seeks is due to the unique characteristics of the subject land and not due to the general characteristics of the surrounding area and not due to a physical or economic disability of the applicant
- Hardship is not the result of any prior action or the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.
- Granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Comprehensive Plan.
- Relief requested is the least relief necessary.
- Hardship amounts to more than a mere inconvenience.

Motion seconded by Member King.

**Member Halmi stated that the application should be amended to exclude the wording “medical office building”. She felt it is a great plan but is concerned about parking, exiting from the site and a traffic study should be performed. Feels there should be a second means for egress from the campus. There should be consideration for foot traffic to the mall. Perhaps applicant could return in December to address some of these concerns. Attorney Krieger reminded the Board that the only issue before them this evening was for height relief and parking.**

**Attorney Horan requested that the application be amended to exclude the wording “medical office building”. Only issues before the Board this evening is for parking and height of proposed project.**

**Member Rampone made a motion to withdraw his motion to grant the application. Motion seconded by Member King.**

**Member Halmi made a motion to continue the application for Dimensional Variance to the December agenda so applicant could return with a traffic study and alternate traffic plan, additional parking plan, alternate egress plan, and plan for pedestrian traffic. Motion seconded by member Gobeille. Motion carried with a 5-0 vote.**

**Motion made by Member Rampone to continue the Special Use Permit application to the December agenda. Motion seconded by Member**

**Gobeille. Motion carried with a 5-0 vote.**

**Motion made by Member Halmi to amend number of applications for the December agenda from eight to nine. Motion seconded by member Gobeille and carried with a 5-0 vote.**

**Member Halmi made a motion to adjourn. Motion seconded by Member Gobeille. Motion carried with a 5-0 vote.**

**Respectfully submitted,**

**Ghislaine D. Therien  
Recording Secretary**